

January 18, 2006

Ms. Lenita Jacobs-Simmons  
Regional Administrator  
U.S. Department of Labor  
Employment and Training Administration  
The Curtis Center, Suite 825 East  
170 South Independence Mall West  
Philadelphia, PA 19106-3315

Dear Ms. Jacobs-Simmons:

On behalf of Governor Robert L. Ehrlich, Jr., I am enclosing Maryland's request for a waiver of the performance measures for employment and training activities authorized under the federal Workforce Investment Act, and their replacement with the new common performance measures articulated by the United States Department of Labor in TEGL 28-04.

The State of Maryland believes that a simplified and streamlined performance accountability system is crucial to the seamless delivery of services. The State is requesting the waiver effective Program Year 2006. Beginning July 1<sup>st</sup> 2006 the State would be operating under the Employment, Retention and Earnings measures for both Adults and Dislocated Workers; and the Placement, Attainment and Literacy and Numeracy Gains for all Youth.

In accordance with WIA Section 189 (i)(4)(B)(v) and §661.420 (c)(5)(v) of the WIA Final Regulations, we provided numerous opportunities for comment by Local Boards affected by the waiver request, and ensured the opportunity for public comment, including comment by business and organized labor. The opportunities included:

- ◆ A November 2, 2005 meeting with local WIA Directors
- ◆ A November 15, 2005 conference call with local Directors, local MIS Managers, and local Youth Specialists
- ◆ A November 30, 2005 training session on Common Measures with MIS Managers, local Youth Specialists and local Youth Service Providers
- ◆ A December 2, 2005 email to all Local Board Chairs
- ◆ A 30-day posting of the proposed Waiver request on the Department's website
- ◆ A waiver summary and request for comment at the December 7, 2005 meeting of the Governor's Workforce Investment Board

We have received substantial feedback from our local areas as we developed this waiver request, all of it favorable. Our dialogue has been focused on questions related to programmatic changes required to successfully implement Common Measures. Following a statewide conference call with both administrators and technical/programmatic staff, we scheduled a special training session on November 30, 2005 to specifically address these issues. We expect the full support of our various stakeholders as we move forward with implementation. One formal written response was received from a local Board Chair and is enclosed for your reference.

I hope you will consider the enclosed request and determine its inherent value to the improvement of the State's workforce investment system. The request is consistent with the principles and intent of the Workforce Investment Act of 1998 and pending WIA Reauthorization legislation. Granting the waiver will put both Maryland and the Region in a better position to make a successful transition once Common Measures are mandated.

If you have any questions or need additional information concerning this plan, please contact Bernard L. Antkowiak at (410) 767-2997 and by e-mail at [bantkowiak@dllr.state.md.us](mailto:bantkowiak@dllr.state.md.us).

Thank you for your consideration of this request for waiver.

Sincerely,

James D. Fielder, Jr., Ph.D.  
Secretary

Cc: The Honorable Robert L. Ehrlich, Jr., Governor  
Gregory Safko, Deputy Secretary  
Bernard L. Antkowiak, Assistant Secretary  
Robert Seurkamp, GWIB Executive Director

## State of Maryland WIA Waiver Request

Statutory/Regulatory Provisions:	Performance Measures for Workforce Investment Act Title I
Citations	The Workforce Investment Act (WIA) and the Wagner-Peyser Act (WIA §189(i)(4), §129, §134, and §136; 20 CFR WIA Final Rules §652.3 §661.400, §661.410, §661.420, §666.100, and §666.120; and Training and Employment Guidance Letter (TEGL) 28-04 issued April 15, 2005
Entity	Maryland Department of Labor, Licensing, and Regulation
Contact	Bernard L. Antkowiak, Assistant Secretary Department of Labor Licensing and Regulation Division of Workforce Development 1100 N. Eutaw Street, Room 616 Baltimore, MD 21201 (410) 767-2997 bantkowiak@dllr.state.md.us
Governor	Robert L. Ehrlich, Jr.

***The statutory or regulatory requirements that are requested to be waived:*** The State of Maryland is seeking a waiver of Section 136(b) which defines the current WIA Title I performance measures. We are requesting that the State be allowed to replace the existing 17 measures (15 core and 2 customer satisfaction) with the Common Measures delineated in TEGL 28-04. For Program Year 2006, the State of Maryland would be operating under nine (9) measures: Adult Entered Employment, Adult Retention, Adult Earnings Change, Dislocated Worker Entered Employment, Dislocated Worker Retention, Dislocated Worker Earnings Change, Youth Placement in Employment or Education, Youth Attainment of a Degree or Certificate, and Youth Literacy and Numeracy Gains.

***Actions that the State or local area, as appropriate, have undertaken to remove State or local statutory or regulatory barriers:*** The State and local areas have taken significant action over the last 2 years to streamline services, increase flexibility and integration, and eliminate unnecessary duplication. Actions include integration of staff in the One-Stops, development of and training on easy-to-use Memoranda of Understanding (MOU) templates, and implementation of an integrated Management Information System. While these actions have had significant benefits, we believe that the waiver will allow us to continue and possibly accelerate the benefits to our customers.

***Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:*** There are numerous benefits to granting the waiver request:

- ◆ Provides for a simplified and streamlined performance measurement system, which is not only more cost effective, but is more transparent to our business partners and our service providers.
- ◆ Provides for making the system more demand-driven, governed by business-led Workforce Investment Boards. The existing 17 measures are difficult for staff to

manage and for the business members of our WIBs to understand and successfully monitor.

- ◆ Provides for integrated system-wide performance accountability. Granting the waiver is critical for successful integration with Wagner-Peyser, Veterans and Trade Act Assistance Programs, which have already gone to Common Measures. To continue our successful integration of services in the One-Stops, we need to be working towards common goals.
- ◆ Reduces paperwork and labor costs associated with performance data collection.
- ◆ Provides clear and understandable information to Congressional and legislative leaders and the general public concerning the use of public funds and return on investment.
- ◆ Provides a more useful program management tool.
- ◆ Provides for customer-driven instead of program-driven outcomes.
- ◆ Provides for better service coordination and information sharing among programs.
- ◆ Provides an opportunity for the State to better implement the United States Department of Labor's Youth Vision, which includes a youth program focused on out-of-school populations with increased accountability for employment and/or increased secondary and post-secondary education outcomes.

***Description of the Individuals Impacted by the Waiver:*** Approval of this waiver will positively impact all customers of the workforce investment system by providing accountability while improving program management and performance.

***Describe the process used to monitor the progress in implementing such a waiver, and the process by which notice and an opportunity to comment on such request has been provided to the local board:*** The Maryland Department of Labor, Licensing and Regulation (DLLR) is the State administrative entity for the Workforce Investment Act, the Wagner- Peyser Act, Veterans Programs, and Trade Act. DLLR will monitor the implementation and impact of the waiver, as well as progress toward expected outcomes, through a combination of performance reporting from the local level and discussion with stakeholders. State oversight and evaluation will make effective use of these means to identify and address obstacles. The State will review applicable policies and procedures and modify them accordingly. The State will submit both an interim and a final report to the USDOL detailing the impact of this waiver.

The State has provided numerous opportunities for comment and input on the waiver request, including:

- ◆ A November 2, 2005 meeting with local WIA Directors
- ◆ A November 15, 2005 conference call with local Directors, local MIS Managers, and local Youth Specialists
- ◆ A November 30, 2005 Common Measures training session with MIS managers, local Youth Specialists and local Youth Service Providers
- ◆ A December 2, 2005 email to all Local WIB Chairs
- ◆ A 30-day posting of the proposed Waiver request on the Department's website
- ◆ A summary and request for comment at the December 7, 2005 meeting of the Governor's Workforce Investment Board